

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MARK MONDRAGON, o.b.o. D.M.,  
a minor child,**

**Plaintiffs,**

**vs.**

**Case No. 1:21-cv-00427 KK/JMR**

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION and  
GEORGE ARCHULEETA, in his individual and official capacity,**

**Defendants.**

**and**

**SARAH MONTOYA, o.b.o L.M.,  
a minor child,**

**Plaintiffs,**

**vs.**

**Case No. 1:21-cv-00648 KK/JMR**

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION and  
GEORGE ARCHULEETA, in his individual capacity,**

**Defendants.**

**and**

**ANGELA SALAZAR, o.b.o J.M.,  
a minor child,**

**Plaintiffs,**

**vs.**

**Case No. 1:21-cv-00751 KK/JMR**

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION, and  
GEORGE ARCHULEETA, in his individual capacity, and  
JOHN DOE # 1, in his individual capacity,**

**Defendants.**

**DEFENDANT GEORGE ARCHULETA'S UNOPPOSED MOTION TO  
STAY DISCOVERY PENDING DETERMINATION ON  
DEFENDANT ARCHULETA'S MOTION FOR SUMMARY JUDGMENT  
ON BASIS OF QUALIFIED IMMUNITY ON COUNT I**

COME NOW Defendant George Archuleta (hereinafter “Defendant Archuleta”), by and through counsel, Quiñones Law Firm LLC (Carlos M. Quiñones, Esq.), and hereby files this Unopposed Motion to Stay Discovery Pending a Determination on Defendant Archuleta’s Motion for Summary Judgment on the Basis of Qualified Immunity on Count I, filed September 11, 2023 (Doc. # 66). Counsel for Plaintiffs was contacted regarding this Motion and Plaintiffs do not oppose it. In support of this Unopposed Motion to Stay Discovery, Defendant Archuleta states as follows:

1. Defendant Archuleta filed his Motion for Summary Judgment on the Basis of Qualified Immunity on Count I on September 11, 2023. (Doc. # 66).
2. Qualified immunity is “an entitlement not to stand trial or face the other burdens of litigation” if the complained of behavior did not violate clearly established law. *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).
3. Qualified immunity not only protects a defendant from liability, but also from the burdens of trial, including discovery. *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).
4. Therefore, once a qualified immunity defense is raised, a defendant is entitled to a stay of discovery. *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 1946 (2009); *Mitchell*, 472 U.S. at 526; *Jiron v. City of Lakewood*, 392 F.3d 410, 414 (10<sup>th</sup> Cir. 2004); *Workman v. Jordan*, 958 F.2d 332, 335-336 (10<sup>th</sup> Cir. 1992).

5. Accordingly, Defendant Archuleta respectfully requests the Court stay discovery until there is a determination with regard to Defendant Archuleta's qualified immunity defense.

6. Plaintiffs' counsel was contacted regarding this Motion to Stay Discovery and Plaintiffs do not oppose the relief requested herein.

**CONCLUSION**

WHEREFORE, Defendant Archuleta respectfully moves this Court for entry of an Order staying discovery pending a determination on Defendant Archuleta's Motion for Summary Judgment on the Basis of Qualified Immunity on Count I (Doc. 66), and for such other and further relief as the Court may deem just and appropriate.

Respectfully submitted,

**QUIÑONES LAW FIRM LLC**

By: Electronic Signature /s/ Carlos M. Quiñones  
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It is hereby certified that undersigned counsel filed the foregoing electronically through the CM/ECF system on September 15, 2023, which caused the following counsel to be served by electronic means:

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